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8 UNITED STATES DISTRICT COURT
9 DISTRICT OF NEVADA

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11 UNITED STATES OF AMERICA,	}	2:09-CR-078-JCM-(RJJ)
12 Plaintiff,	}	
13 vs.	}	GOVERNMENT'S SECOND
14 SAMUEL DAVIS, and,	}	SUPPLEMENTAL NOTICE OF
15 SHAWN RICE,	}	INTENT TO USE EVIDENCE OF
	}	OTHER CRIMES, WRONGS OR
16 <u>Defendants.</u>	}	ACTS

17 COMES NOW the United States of America, by and through DANIEL G.
18 BOGDEN, United States Attorney, and J. Gregory Damm, Assistant United States
19 Attorney and hereby gives notice that the government intends to use the following
20 evidence in the trial of this matter.

21 NOTICE

22 Pursuant to Fed.R.Evid. 404(b), the prosecution is providing reasonable notice
23 in advance of trial of the general nature of any such evidence it intends to introduce at
24 trial of other crimes, wrongs or acts allegedly committed by the defendants. Without
25 conceding that the following evidence is governed by Fed.R.Evid. 404(b), and
26 reserving the right to supplement this notice with additional notices, the government
hereby notifies the defendants that it intends to introduce the following evidence:

1 SAMUEL DAVIS conspired with C.J. and V.M.T. to hide funds obtained
2 through a fraudulent 2007 tax return utilizing a process known as 1099-OID. C.J. and
3 V.M.T. opened a checking account with El Dorado Savings Bank on or about
4 November 24, 2008. The source of the funds to open this account was a fraudulently
5 obtained United States Treasury check dated November 21, 2008, in the amount of
6 \$363,843.39. The checking account opened by C.J. and V.M.T. was brought to a zero
7 balance on April 3, 2009. For his services, C.J. and V.M.T. caused an El Dorado
8 Savings Bank Cashier's Check, dated February 26, 2009, to be issued to SAMUEL
9 DAVIS through his Boulder Mountain Funding Trust account at Wells Fargo Bank in
10 the amount of \$30,000.

11 SAMUEL DAVIS used his Wells Fargo Boulder Mountain Funding Trust
12 account to launder the money reflected in the current indictment. SAMUEL DAVIS
13 also used this same account to receive fraudulent proceeds from another 1099-OID
14 scheme. On January 29, 2009, the Ss transferred \$60,000.00 to DAVIS' bank account
15 at Wells Fargo Bank in the name of Boulder Mountain Funding Trust. On January 30,
16 2009, the Ss transferred \$80,000.00 to DAVIS' bank account at Wells Fargo Bank in
17 the name of Boulder Mountain Funding Trust. These funds were also fraudulently
18 obtained from the IRS.

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CONCLUSION

WHEREFORE, the United States respectfully gives notice of its intent to use the above-recited evidence.

DATED this 26th day of May, 2010.

Respectfully submitted,

DANIEL G. BOGDEN
United States Attorney

/s/ J. Gregory Damm

J. GREGORY DAMM
Assistant United States Attorney

Certificate of Service

I, J. Gregory Damm, hereby certify that I am an employee of the United States Department of Justice, and that on this day I served a copy of the following: GOVERNMENT'S SECOND SUPPLEMENTAL NOTICE OF INTENT TO USE EVIDENCE OF OTHER CRIMES, WRONGS OR ACTS, upon counsel for all defendants appearing in this matter via the CM/ECF system, by electronically filing said GOVERNMENT'S SECOND SUPPLEMENTAL NOTICE OF INTENT TO USE EVIDENCE OF OTHER CRIMES, WRONGS OR ACTS and mailing a copy postage prepaid to Shawn Talbot Rice, P.O. Box 700, #81, Ash Fork, Arizona 86320.

Dated: May 26, 2010

/s/ Judith Richardson
Legal Assistant to J. Gregory Damm
Assistant United States Attorney
District of Nevada